

**Meeting of the Workforce Partnership Council
Thursday 3 March 2016
Cathays Park, Cardiff
Draft Meeting Notes**

1. Welcome and Opening Remarks

- 1.1 The Minister for Public Services welcomed the following to the final Workforce Partnership Council (WPC) meeting of the Assembly term:
- Members;
 - Julie James AM, Deputy Minister for Skills and Technology;
 - Gill Lewis, Chair of the Public Services Staff Commission (PSSC); and
 - Alison Phillips, PSSC Chief Executive.
- 1.2 Apologies and substitutes are recorded in this meeting note.
- 1.3 The Minister noted that it was Anna Freeman's last WPC and wished her well for the future.

2 Workforce Planning and Mobility

- 2.1 The Deputy Minister for Skills and Technology introduced the paper in support of item 2 which provided an update on the Sector Groups' responses to the proposed expansion of People Exchange Cymru (PEC) and the Workforce Mobility Options. The Deputy Minister reflected that the purpose of this work is to protect the workforce and services it delivers from the impact of budgetary cuts as far as possible by adopting a 'one public service' ethos for Wales.
- 2.2 Of the mobility options submitted from the WPC's Sector groups most showed a preference for options 1 and 2. The Deputy Minister proposed officials now work these two options up in detail. This was agreed.
- 2.3 It was agreed that a pilot expansion of People Exchange Cymru (PEC), to include signposting of permanent opportunities, begin in May for a minimum of three months. The Deputy Minister emphasised the importance of employers using People Exchange Cymru (PEC) consistently for signposting opportunities to staff within devolved public services, whether internal to public sector or internal and external simultaneously.
- 2.4 Alison Ward proposed an engagement and communication exercise be conducted throughout March/April followed by a trial implementation period through May – July for evaluation. The Deputy Minister agreed this was a sensible approach and advised she has asked officials to develop a plan for implementation and evaluation which will include an equality impact assessment of the trial. Officials will engage with

organisations to ensure that PEC is used effectively and evaluated over a three month period and subsequently report back to a future meeting of the WPC (currently scheduled for November).

- 2.5 Margaret Thomas provided feedback on behalf of the Trade Unions in relation to the paper and the associated recommendations. The recommendations were all supported. It was agreed that part of a sentence be removed from recommendation b) on page 1 of the circulated paper ("*and should not adversely impact upon equality*") given the effect is not known yet. She highlighted how the consistent use of PEC needs to be reinforced or there is a risk that employers will simply opt out. Margaret added that the meaning of recommendation c) was clear - this is about avoiding redundancies and saving public money. For recommendation d) the Trade Unions asked that they attend any meeting to update the HR Directors in Higher Education alongside Welsh Government officials. It was agreed officials will make the Higher Education HR Directors aware that Trade Unions have requested to be invited to any meeting.
- 2.6 Rex Phillips expressed disappointment that the school based workforce was not included at this stage and neither was the Workforce Adjustment Fund being taken forward. The Deputy Minister explained a lot of work had gone in to seeking agreements with the bodies who have already signed up and that the momentum will continue. Schools are not excluded from the recommendations around PEC and the mobility options but it was recognised further engagement would be needed given the volume of employers involved. In terms of the suggested fund, this had been considered and the reason for not taking forward is clear in the paper, in addition most people support options 1 and 2 going forward.
- 2.7 Dawn Bowden expressed disappointment over the phraseology used at para 36 over the proposal to create a central fund or pool as not presenting any obvious advantage to employers. She felt this missed the point that on-going work was a collaborative effort and not about one group gaining advantage over another. The Deputy Minister confirmed that was not the intended impression although there would be an additional administrative burden to employers. Officials would be asked to look again at the language used and revise as appropriate.
- 2.8 The Deputy Minister referenced a constructive meeting she had recently with Gill Lewis, Chair of the Public Services Staff Commission. At that meeting they discussed the need for the development of a more consistent approach to good quality strategic workforce planning, including guidance and sharing of good practice. The Public Services Staff Commission has been asked by the Deputy Minister to take the development of this guidance forward, whilst being clear the responsibility for doing the workforce planning remains with the relevant organisations.

Action: Welsh Government officials to make the Higher Education HR Directors aware that Trade Unions have requested to be invited to any meeting to update on Workforce Planning and Mobility.

Action: The WPC to receive an update on the work and evaluation of the expansion of People Exchange Cymru (PEC) at a future WPC.

Action: Welsh Government officials to remove the end of the second sentence under recommendation b) on page 1 of the circulated briefing. This follows the bracketed section and states ...*and should not adversely impact upon equality.*

Action: Officials to engage with organisations to ensure a consistent and well communicated implementation of a three month pilot and evaluation of People Exchange Cymru (PEC).

Action: Officials to revisit and redraft the phraseology used in para 36 of the circulated briefing as appropriate. Specifically – “*This was considered by the WPM sub-group who concluded it did not present any obvious advantages to employers and would also open up a range of administrative, resource, legal and financial scenarios so agreed this would not be pursued*”.

Action: The Public Services Staff Commission has been asked by the Deputy Minister to take forward guidance on, and sharing of good practice strategic workforce planning.

3 Digital Learning Portals across Devolved Public Services

3.1 The Deputy Minister for Skills and Technology explained that the issue of future funding for the All Wales Academy for Local Government (AWALG) had been remitted for consideration to the WPC Workforce Planning and Mobility sub group of which she is the Chair. As a result of that consideration, it had been identified that there were a number of organisations within devolved public services that have digital (or online) learning portals. The sub group had identified possible opportunities for either collaboration or integration of existing online learning. This is now being taken forward by the office of the Chief Digital Officer and a large number of organisations have been contacted for their views. Responses to date have shown limited interest or appetite in platform collaboration or sharing of contact.

3.2 The other aspect the sub group had considered was around any other tools to assist with career development and mobility. The Deputy Minister outlined a tool used by Torfaen County Borough Council which the group agreed Welsh Government officials should view to understand how it is used and its potential.

3.3 Margaret Thomas explained that key issues for the Trade Unions remain accessibility, availability and the terminology used around platform

collaboration and suggested a single, uniformed title be developed to cover the work (i.e. references to portals/platforms, online/digital etc). She asked what budget provision was being made and to what extent linkages will be made with essential skills. Margaret suggested a presentation from the National Procurement Service (NPS) would be beneficial. The Minister for Public Services suggested they be invited to a future WPC in order to present on their work and enable the WPC to better understand the potential for them to support the broader work and objectives of the WPC.

3.4 The Deputy Minister explained that the work initially remitted to the sub group on the back of the funding issues experienced around the AWALG had since developed into two additional larger pieces of work around digital learning portals and skills mapping. The Deputy Minister suggested that these two pieces of work be explored further and brought back to a future meeting of the WPC.

3.5 Shavanah Taj asked how the WULF project would intersect with this work and the Deputy Minister agreed it was an important point to consider.

3.6 Anna Freeman explained the AWALG had no issues regarding platform collaboration as they are now moving the content to the NHS Wales Learning platform. She highlighted the on-going funding issues and that the project support had been scaled back. The Deputy Minister explained that a meeting was being arranged by officials with Skills for Justice to view the site, discuss progress and establish any lessons learned.

3.7 Tina Donnelly suggested it would be useful for the HR Directors within the NHS to also receive the presentation by the NPS.

Action: Officials to arrange a presentation by the National Procurement Service (NPS) on shared learning platforms but to encompass broader issues around supporting the work of the WPC.

4 UK Government Trade Union Bill

4.1 The Minister for Public Services re-iterated the Welsh Government's strong opposition to the Trade Union Bill and the consistent argument made to UK Government that significant parts of the Bill relate to devolved matters. A Legislative Consent Motion (LCM) was considered in the National Assembly for Wales on the 26 January; the Assembly supported the Welsh Government's position withholding consent for the UK Government to legislate for clauses 3, 12, 13 and 14 for devolved services in Wales.

4.2 The Minister confirmed he had written to Nick Boles MP a month ago voicing Welsh opposition to the Bill but had yet to receive a response. The Minister therefore has started the process of bringing forward Welsh Legislation in the next Assembly term to repeal those parts of the Bill relating to devolved public services. He added that following the

publication of a leaked letter by the UK Government summarising their own position as weak with regards to Wales, he had written again to Nick Boles but has received no reply. Margaret Thomas concluded by thanking the Welsh Government for supporting the interests of the Trade Unions in opposing the Bill which is viewed as an attack on them. Margaret went on to say they are pleased to work with Welsh Government Ministers in seeking amendments through the House of Lords.

5 UK Government Public Sector Exit Payments Cap

5.1 The Minister for Public Services formally stated the Welsh Government's opposition to the UK Government controlling how the cap is applied to Welsh public sector bodies. He confirmed that in February he wrote to the Joint Secretaries outlining Welsh Government opposition to the existing clauses in the Enterprise Bill and his intention to oppose the Legislative Consent Motion that will be debated by the National Assembly for Wales on 15 March.

5.2 Since that time he confirmed the UK Government has very recently acknowledged some of the Welsh Government's concerns and agreed amendments to the Enterprise Bill are needed. The Minister listed the amendments and confirmed that on this basis he would now support an amended LCM.

5.3 The Minister went on to explain that the UK Government is currently consulting on further proposed changes to public sector exit payments. The consultation ends on 3 May providing the opportunity for members of the WPC to put forward any views. The Minister concluded that in the next Assembly term the new Government would have the consultation responses to form the basis of making their own recommendations to Westminster. He thanked the WPC for their continued engagement on this matter.

5.4 Alison Ward thanked the Minister for the Welsh Government's work in achieving a humane and practical outcome. She recognised this as a good example of good social partnership at work.

6 Public Services Staff Commission

6.1 Gill Lewis, Chair of the Public Services Staff Commission updated the WPC on the Commission's work. Recruitment to the PSSC staffing is ongoing and Robin Jones from the Welsh Government will be joining them on a posting from the Civil Service for one year. She explained that the PSSC will have its own website by May, but in the meantime if anyone wants to access the PSSC documents, it has a temporary presence on the Welsh Government website. Gill thanked the Minister for Public Services for issuing the remit letter to the PSSC, and also for agreeing its operational plan which covers the period to March 2017. The plan is ambitious but necessary.

- 6.2 Gill advised that the Commission has embarked on a series of meetings with a broad range of stakeholders; those formally covered by the Commission's remit and others such as the WLGA and the Wales Audit Office and provided an update on the PSSC's work programme. It was confirmed work on the principles regarding the transparency of senior pay will be a two phased programme, work on the Transition Committee is likely to be substantial and will be undertaken with reference to the WPC structures; work on the barriers to disseminating good practice has also been commissioned. She added that research is being commissioned to gather the lived experiences of those involved with the 1996 Staff Commission. Work on the retention of able senior managers, and the capabilities and characteristics expected of them under One Welsh Public Service would also be started.
- 6.3 A number of points were made on behalf of the Trade Unions. It was asked if it was possible to have more detail of the research relating to the 1996 Commission and the work regarding strategic workforce planning. Gill was also asked for timescales involved for work relating to alternative delivery models and whether work around pensions will only relate to local government or will its remit be wider. Margaret Thomas added there are concerns over how systematic some of the research methodology is, and that Trade Unions would prefer to meet the PSSC on a sector group basis to better reflect their own structure.
- 6.4 Margaret Phelan suggested the PSSC also engage with the Further and Higher Education sectors directly, not just through the WPC. It was agreed this was a wider debate needed for another time given the differing status of these sectors. Margaret asked that should the PSSC meet with HE and FE then the relevant trade unions should also be invited to those meetings.
- 6.5 Concerns were expressed by the Trade Unions that discussions around the Jenkins Review in Health were running in tandem to the work around the PSSC and had potential to influence the whole of public services without all trade unions being involved. It was suggested an update on the discussions around this could come to a future meeting of the WPC to enable broader involvement.
- 6.6 It was suggested mutual recognition and transferability of qualifications across different sectors should be looked at as part of sector discussions.
- 6.7 Gill Lewis explained that the Commission has been systematically meeting with key people within the Local Authorities, Health Boards, WGSBs, WG and others. She confirmed that the Chief Executives and Leaders of all local authorities have been offered meetings. Alison Phillips added that they had held constructive meetings with the independent Commissioners, WLGA, WAO etc. who will continue to work closely with them. She also confirmed that Alternative Service Delivery Models (ASDMs) are featured in the Commission's business plan but that they will await the outcome of

the on-going consultation before developing this further. She thanked members for the level of sector engagement and explained that the Commission is drawing out emerging themes and good practice for further development. Timescales are being developed for the Taskforce but she confirmed the continuing support of the WPC was needed.

Action: An update on the NHS Workforce Review of Health be brought to a future WPC.

7 Living Wage

7.1 The Minister confirmed there had been several positive meetings of the Living Wage Technical Group which incorporates trade unions and employers to look at the costs of adopting the Living Wage in Local Government. He added that the Group has also had several meetings to explore data collection and consistency of approach and that a report has been provided to WPC members for consideration. Dominic MacAskill welcomed trade union involvement in the Group and the work done to date but was disappointed in the delays that had occurred in gathering data. Judith Cole confirmed she has now received further information which her division is in the process of analysing.

8 Research into the impact of terms and conditions of employment in social care

8.1 The Minister for Public Services introduced Alistair Davey and Jonathan Isaac to present on this item.

8.2 Alistair Davey outlined the key interim findings of the research commissioned of Manchester Metropolitan University. The purpose of the research was to establish the extent of the link between recruitment and retention and the quality of care provided, building on the findings from the research commissioned last year by the Minister for Public Services. Whilst the final report is due later this month, the interim findings indicate there is a significant link. The key findings were as follows:

- Domiciliary care managers highlighted difficulties in recruitment and retention saying that pay, working hours, working environment and career structures are central to this.
- These difficulties and high turnover (up to 30% in cases) meant existing workers were often working longer hours.
- Zero hours dominated in the independent sector with only those employed by local authorities routinely having set contracted hours. There is limited evidence in support of care workers favouring zero hours contracts.
- Domiciliary care workers suggested employment terms and conditions had a relatively limited role in their decision to undertake this work

citing their motivation was to ensure their clients received good quality care.

- Whilst training was available, some workers indicated attendance at training was hard due to staff shortages and identifying time for them to be released.
- Long hours of work in the independent sector was a common theme with workers talking of only being paid for time they were with clients and not travel time. This practice also led to fatigue and often being paid part-time wages for what in effect is full-time work.

Key issues raised:

- Reliability – care workers often found it difficult to arrive on time and keep to scheduled visits due to problems with the planning and estimation of travel time. Working time was viewed by workers as having a negative impact on the care they provided to their clients, especially in terms of rushing, making mistakes and impacting the dignity of personal care.
- Continuity – care workers noted the importance of continuity for their clients in terms of developing trusting relationships. Zero hours contracts and difficulties in recruitment and retention both had a negative impact on service users.

8.3 Jonathan Isaac outlined the consultation process which builds on the research into the recruitment and retention of domiciliary care workers and how these impact on care quality. He emphasised the importance of proceeding on a solid evidence base and that consultation was looking at zero hour contracts, working time and issues around a perceived lack of training opportunities for domiciliary care workers.

8.4 The consultation also considers the effects of the National Minimum wage and the cost to domiciliary care workers of travelling without this being recognised as part of their payable time. He emphasised the importance of balancing the qualification levels for domiciliary care workers so they are neither too high nor too low and that the occupational status of domiciliary care workers would be considered. The policy commitment is that domiciliary care workers will be registered as part of the social care workforce. He concluded that once the consultation had ended he would seek to establish a reference group and would welcome participation of members of the WPC in this. This group would look at actions going forward, particularly in relation to the service regulation powers under the new Regulation and Inspection of Social Care (Wales) Act.

8.5 Mike Payne confirmed it was reassuring to see these issues are being considered and asked whether the Welsh Government has been consulted on

the minimum of 35K a year pay threshold for migrant workers to remain in the UK. Alistair Davey committed to looking into this.

8.6 Dawn Bowden welcomed the Welsh Government's consultation initiated by the Minister for Health and Social Services on the 19 January but reminded the meeting that not one local authority had signed up to Unison's Ethical Care Charter. She also highlighted the systemic problems in contracting by Local Authorities including one example where an authority was using 49 separate providers. Margaret Thomas added that Caerphilly, Cardiff and Swansea authorities were all set to sign the Charter but stopped when they realised it would have to encompass all service providers, believing this would have a negative impact on service users. She stressed that the consultation should be seeking to bring the provision of care back into the public sector.

8.7 Tina Donnelly emphasised that the research was hard hitting and stressed the importance of reducing the vulnerability identified. She enquired if particular issues of risk reported within the research had been responded to appropriately. Alistair Davey said that this would be checked with the researchers.

8.8 Alison Ward confirmed her and Julie Cook as Joint Secretaries of the WPC had a productive meeting with Jonathan in the previous month. She emphasised the importance of ensuring service users are part of the consultation so all sides have a say.

Action: Alistair Davey to look into UK Government consultation with Welsh Government on the minimum of £35k a year pay threshold for migrant workers

9 Any Other Business

9.1 The Minister for Public Services confirmed the notes of the previous WPC had been circulated and no issues had been raised. These were agreed.

9.2 The Minister asked for any issues arising from Sector group reports be made. Gareth Howells, Prospect explained that many employers across sectors have been using the same private contractors for long periods of time and that rather than continuing to pay for these services knowledge could be transferred within the public sector. The Minister for Public Services asked Gareth to write to him outlining specific examples. Tina Donnelly highlighted the variation in contractual processes through professional groups within the NHS.

9.3 The Minister for Public Services confirmed he had written to the UK Government highlighting concerns in relation to the Local Government pension scheme. Dominic MacAskill welcomed this and noted that Unison has also responded to the DCLG consultation. The Union's consultation had highlighted issues around governance and legal matters. The Minister for Public Services asked Dominic MacAskill to write to him.

Action: Gareth Howells to write to the Minister for Public Services outlining specific examples of knowledge transfer that could be carried out within devolved sector groups.

Action: Dominic MacAskill to share Unison's response with the Minister for Public Services.

WPC Meeting Actions: 3 March 2016

1. Welsh Government officials to make the Higher Education HR Directors aware that Trade Unions have requested to be invited to any meeting to update on Workforce Planning and Mobility.	Welsh Government	Discharged – WPC secretariat have been in contact with Chair of HE HRD network.
2. The WPC to receive an update on the work and evaluation of the expansion of People Exchange Cymru (PEC) at a future WPC.	Workforce Partnership and Mobility sub-group	Discharged – Pilot is underway and an evaluation will be brought to November's meeting of the WPC. Interim update to July WPC.
3. Welsh Government officials to remove the end of the second sentence under recommendation b) on page 1 of the circulated briefing. This follows the bracketed section and states <i>...and should not adversely impact upon equality.</i>	Welsh Government	Discharged – actioned as agreed
4. Officials to engage with organisations to ensure a consistent and well communicated implementation of a three month pilot and evaluation of People Exchange Cymru (PEC).	Welsh Government	Discharged - A series of communications has been undertaken with organisation Leaders and HR Directors.
5. Officials to revisit and redraft the phraseology used in para 36 of the	Welsh Government	Discharged – actioned as agreed

circulated briefing as appropriate.		
6. The Public Services Staff Commission has been asked by the Deputy Minister to take forward guidance on, and sharing of good practice strategic workforce planning.	PSSC	Discharged – actioned as requested.
7. Officials to arrange a presentation by the National Procurement Service (NPS) on shared learning platforms but also to encompass broader issues that may support the work of the WPC.	Welsh Government	Carried Forward – This will be for a future meeting.
8. An update on the NHS Workforce Review of Health be brought to a future WPC.	Welsh Government	Carried Forward– This will be for a future meeting.
9. Alistair Davey to look into UK Government consultation with Welsh Government on the minimum of £35k a year pay threshold for migrant workers	Alistair Davey	Ongoing. Liaison continues between Welsh Government officials and the GMB to explore the issue.
10. Gareth Howells to write to the Minister for Public Services outlining specific examples of knowledge transfer that could be carried out within devolved sector groups.	Gareth Howells (Prospect)	Carried Forward - Following an initial review of contractors within Welsh Government and its Sponsored Bodies, some further analysis will be undertaken to understand more of the specific skills and the length of time that they are being contracted for. Additional suggestions include development of a database of scarcer skills to which NPS could refer or use of PEC to source skills from across wider public sector. This ongoing

		work can be reported upon to a future WPC
11. Dominic MacAskill to share the Unison response with the Minister for Public Services.	Dominic MacAskill (Unison)	Discharged – actioned as agreed.

Minister for Public Services – Leighton Andrews
Deputy Minister for Skills and Technology – Julie James

Trade Unions

Margaret Thomas, Unison
Dawn Bowden, Unison
Dominic MacAskill, Unison
Gareth Howells, Prospect
Shavanah Taj, PCS
Peter Hewin, BAOT
Rex Phillips, NASUWT
Mike Payne, GMB
Margaret Phelan – UCU Cymru
Kevin Tucker – SCR
Tina Donnelly RCN
Cerith Griffiths, FBU

Employers

Alison Ward, Torfaen County Borough Council (Joint Secretary)
Anna Freeman, Welsh Local Government Association (WLGA)
Steve Thomas, WLGA
Richard Tompkins, NHS Employers
Iestyn Davies, Colegau Cymru
Joanne Oak, Care Council for Wales
Ceri Davies, Pembrokeshire County Council
Ruth Davies, Public Health Wales
Beverley Edgar, ABMU
Debra Wood-Lawson, Newport City Council
James Owen, Welsh Government

PSSC (standing invitation)

Gill Lewis (Chair)
Alison Phillips (CEO)

Supporting Officials – Welsh Government

Paul Webb
Judith Cole
Robin Jones
Sarah Lilley
Gareth Bevington
Zenny Saunders
Emma Bennett
Chris Hartwell
Mark Lewis
Liz Richards

Janine Pepworth
Alistair Davey (For item 8)
Jonathan Isaac (For item 8)

Observers

Jonathan Lloyd WLGA

Apologies

Julie Cook, Wales TUC (Joint Secretary)
David Evans, NUT
Peter Kennedy, Welsh Government
CFO Simon Smith, North Wales Fire and Rescue Services
Paddy McNaught, UNITE